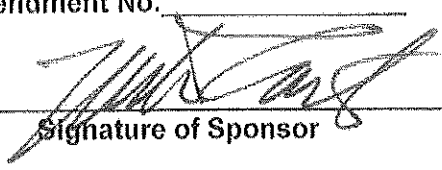


Amendment No. _____



Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1060

House Bill No. 1015*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-8-301, is amended by redesignating the current language as subsection (a) and adding the following subsection (b):

(b) As used in this section and § 8-8-302, "deputy" includes a jailer appointed by a sheriff pursuant to § 41-4-101.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall apply to acts and failures to act on or after that date.



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Signature of Sponsor

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AMEND Senate Bill No. 445*

House Bill No. 508

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1314, is amended by adding the following as new subsections:

(g)

(1) Notwithstanding title 29, chapter 20, a party who is adversely affected by an ordinance, resolution, policy, rule, or other enactment that is adopted or enforced by a county, city, town, municipality, or metropolitan government or any local agency, department, or official that violates this section may file an action in a court of competent jurisdiction against the county, city, town, municipality, or metropolitan government for:

(A) Declaratory and injunctive relief; and

(B) Damages, as provided in subsection (i).

(2) This subsection (g) shall apply to any ordinance, resolution, policy, rule, or other enactment that is adopted or enforced on or after July 1, 2017.

(h) As used in subsection (g), a party is "adversely affected" if:

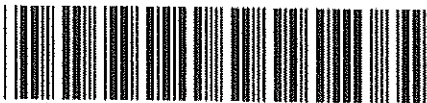
(1) The party is an individual who:

(A) Lawfully resides within the United States;

(B) May legally possess a firearm under Tennessee law; and

(C) Is or was subject to the ordinance, resolution, policy, rule, or other enactment that is the subject of an action filed under subsection (g).

An individual is or was subject to the ordinance, resolution, policy, rule, or



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other enactment if the individual is or was physically present within the boundaries of the political subdivision for any reason; or

(2) The party is a membership organization that:

(A) Includes two (2) or more individuals described in subdivision (h)(1); and

(B) Is dedicated in whole or in part to protecting the rights of persons who possess, own, or use firearms for competitive, sporting, defensive, or other lawful purposes.

(i) A prevailing plaintiff in an action under subsection (g) is entitled to recover from the county, city, town, municipality, or metropolitan government the following:

(1) The greater of:

(A) Actual damages, including consequential damages, attributable to the ordinance, resolution, policy, rule, or other enactment; or

(B) Liquidated damages of three (3) times the plaintiff's attorney's fees;

(2) Court costs, including fees; and

(3) Reasonable attorney's fees.

SECTION 2. Tennessee Code Annotated, Title 29, Chapter 20, Part 2, is amended by adding the following as a new section:

Immunity from suit of all governmental entities is removed for causes of action brought under § 39-17-1314(g)-(i).

SECTION 3. Tennessee Code Annotated, Section 39-17-1359, is amended by adding the following new subsection (g):

(1) Except as provided in subdivision (g)(2), nothing in this section shall authorize an entity of local government or a permittee thereof to enact or enforce a prohibition or restriction on the possession of a handgun by a handgun carry permit

holder on property owned or administered by the entity unless the following are provided at each public entrance to the property:

(A) Metal detection devices;

(B) At least one (1) law enforcement or private security officer who has been adequately trained to conduct inspections of persons entering the property by use of metal detection devices; and

(C) That each person who enters the property through the public entrance when the property is open to the public and any bag, package, and other container carried by the person is inspected by a law enforcement or private security officer described in subdivision (g)(1)(B) or an authorized representative with the authority to deny entry to the property.

(2) Subdivision (g)(1) does not apply to:

(A) Facilities that are licensed under title 33, 37, or 68;

(B) Property on which firearms are prohibited by § 39-17-1309 or § 39-17-1311(b)(1)(H)(ii);

(C) Property on which firearms are prohibited by § 39-17-1306 at all times regardless of whether judicial proceedings are in progress;

(D) Buildings that contain a law enforcement agency, as defined in § 39-13-519; or

(E) Libraries.

SECTION 4. Tennessee Code Annotated, Section 39-17-1359(f), is amended by deleting the language "This section shall not apply to" and substituting instead the language "Except as provided in subsection (g), this section shall not apply to".

SECTION 5. Tennessee Code Annotated, Section 39-17-1306(a), is amended by deleting the word "room" and substituting instead the word "building".

SECTION 6. This act shall take effect July 1, 2017, the public welfare requiring it.

Amendment No.

Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1054

House Bill No. 993*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-5-901(a), is amended by adding the following new subdivision:

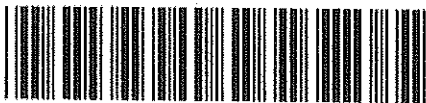
() For the purposes of this part, "personal property" includes:

(A) A commissary account or any other account or fund established by or for the benefit of the inmate in a correctional institution or private prison operated by or under contract with the department of correction while the inmate is incarcerated; and

(B) Any account containing wages received for work performed while an inmate is in a correctional institution or private prison operated by or under contract with the department of correction, but does not include any portion of the account that is used to pay litigation taxes, court costs, sexual offender surcharges, fines, restitution, or other moneys related to the criminal offense for which the inmate is confined.

SECTION 2. Tennessee Code Annotated, Section 36-5-905, is amended by adding the following new subsection:

() No more than fifty percent (50%) of the total amount in a commissary account or any other account or fund established by or for the benefit of an inmate in a correctional institution or private prison operated by or under contract with the department of correction while the inmate is incarcerated or any account containing wages received for work performed while an inmate is incarcerated shall be subject to seizure by the department. Any portion of the account that is used to pay litigation



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taxes, court costs, sexual offender surcharges, fines, restitution, or other moneys related to the criminal offense for which the inmate is confined shall be deducted from the account before the seizure authorized by this subsection is calculated.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

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Date _____

Time _____

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Comm. Amdt. _____

AMEND Senate Bill No. 656

House Bill No. 221*

by deleting subsection (e) of the amendatory language and substituting instead the following:

(e) The court clerks shall forward a copy of the document and date of birth of all persons against whom an order, judgment, or conviction described in subsection (a) is entered to the Tennessee bureau of investigation. The information shall be forwarded to the bureau within forty-five (45) days of the date of receipt of the document. The court clerks may forward the information required by this subsection (e) electronically.

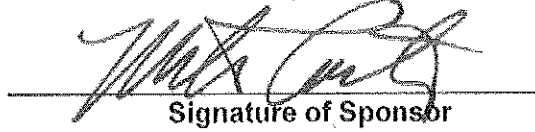


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Amendment No. _____


Signature of Sponsor

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 656

House Bill No. 221*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by adding the following as a new, appropriately designated section:

(a) There is created within the Tennessee bureau of investigation a domestic abuse registry of persons who have been convicted of:

(1) Domestic assault, pursuant to § 39-13-111; or

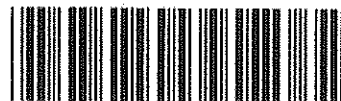
(2) Violation of an order of protection or restraining order, pursuant to § 39-13-113.

(b) The domestic abuse registry shall be maintained by the Tennessee bureau of investigation based upon information supplied to the bureau by the court clerks pursuant to subsection (c), and the registry shall be made available for public inquiry on the website of the Tennessee bureau of investigation.

(c) The registry shall consist of the person's name, date of birth, conviction requiring the person's inclusion on the registry, date the offense requiring inclusion on the registry occurred, and county or counties where the offense or offenses occurred. If available after reasonable inquiry, the court clerk shall provide the Tennessee bureau of investigation with the person's driver license number and issuing state, or any other state or federal identification number, and such other identifying data as the bureau determines is necessary to properly identify the person required to register and exclude innocent persons. However, the registry available for public inquiry shall not include the



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person's social security number, driver license number, or any other state or federal identification number.

(d) The court clerks shall forward a copy of the judgment of conviction and date of birth of all persons against whom a conviction for an offense described in subsection (a) is entered to the Tennessee bureau of investigation. The information shall be forwarded to the bureau within forty-five (45) days of the date of receipt of the judgment of conviction.

(e) The Tennessee bureau of investigation shall remove from the registry the name and other identifying information of persons against whom a conviction for an offense described in subsection (a) is entered ten (10) years after the date of the most recent conviction. If a conviction for an offense described in (a) is expunged, the name and other identifying information of that person is also removed from the registry upon the person sending the Tennessee bureau of investigation a copy of the expunction order.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it, and shall apply to all offenses described in Section 1(a) occurring on or after that date.

Amendment No. _____


Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 656

House Bill No. 221

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by adding the following as a new, appropriately designated section:

(a) There is created within the Tennessee bureau of investigation a domestic abuse registry of persons who have been convicted of:

(1) Domestic assault, pursuant to § 39-13-111; or

(2) Violation of an order of protection or restraining order, pursuant to § 39-13-113.

(b) The domestic abuse registry shall be maintained by the Tennessee bureau of investigation based upon information supplied to the bureau by the court clerks pursuant to subsection (c), and the registry shall be made available for public inquiry on the website of the Tennessee bureau of investigation.

(c) The registry shall consist of the person's name, date of birth, conviction requiring the person's inclusion on the registry, date the offense requiring inclusion on the registry occurred, and county or counties where the offense or offenses occurred. If available after reasonable inquiry, the court clerk shall provide the Tennessee bureau of investigation with the person's driver license number and issuing state, or any other state or federal identification number, and such other identifying data as the bureau determines is necessary to properly identify the person required to register and exclude innocent persons. However, the registry available for public inquiry shall not include the



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person's social security number, driver license number, or any other state or federal identification number.

(d) The court clerks shall forward a copy of the judgment of conviction and date of birth of all persons against whom a final conviction for an offense described in subsection (a) is entered to the Tennessee bureau of investigation. The information shall be forwarded to the bureau within forty-five (45) days of the date of receipt of the judgment of conviction.

(e) The Tennessee bureau of investigation shall remove from the registry the name and other identifying information of persons against whom a conviction for an offense described in subsection (a) is entered ten (10) years after the date of the most recent conviction. If a conviction for an offense described in (a) is expunged, the name and other identifying information of that person is also removed from the registry upon the person sending the Tennessee bureau of investigation a copy of the expunction order.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it, and shall apply to all offenses described in Section 1(a) occurring on or after that date.

Amendment No. _____

Signature of Sponsor

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Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1001*

House Bill No. 1190

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-33-209(a), is amended by deleting the subsection and substituting instead the following:

(a) The administrative head of the applicable agency shall contract with the secretary of state for use of administrative law judges to conduct forfeiture hearings.

SECTION 2. Tennessee Code Annotated, Section 40-33-209(b), is amended by deleting the language "The hearing officer or administrative judge" and substituting instead the language "The administrative law judge".

SECTION 3. Tennessee Code Annotated, Section 40-33-210, is amended by deleting the language "administrative head of the applicable agency" wherever it appears in subsections (d)-(g) and substituting instead the language "administrative law judge".

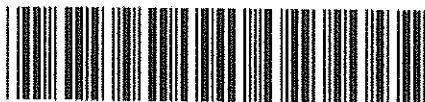
SECTION 4. Tennessee Code Annotated, Section 40-33-210, is further amended by deleting subdivision (b)(2) in its entirety.

SECTION 5. Tennessee Code Annotated, Section 40-33-210, is further amended by adding the following new subsection:

(h) The administrative law judge's ruling shall be considered a final order of the applicable agency for purposes of appealing of the order.

SECTION 6. Tennessee Code Annotated, Section 40-33-213, is amended by deleting subsection (c) and substituting instead the following:

(c) A notice of review may, at the election of the aggrieved party, be filed in the circuit court or chancery court of Davidson, Washington, Knox, Hamilton, Putnam,



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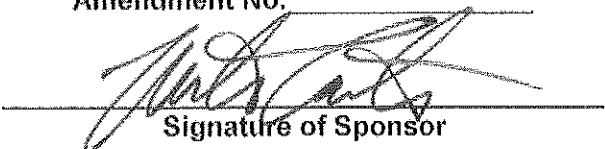
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Madison, Dyer, Lawrence, or Shelby county; provided, that, the notice of review shall be filed in the county which corresponds with the location of the hearing.

(d) The applicable agency shall be represented in the appeal by the attorney or attorneys who represented the agency during the hearing.

SECTION 7. This act shall take effect July 1, 2017, the public welfare requiring it.

Amendment No. _____


Signature of Sponsor

FILED

Date _____

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Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 145

House Bill No. 61*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1316, is amended by deleting subsection (l) and substituting instead the following:

(l)

(1) The following transactions or transfers are exempt from the criminal history record check requirement of subdivision (c)(3):

(A) Transactions between licensed:

(i) Importers;

(ii) Manufacturers;

(iii) Dealers; and

(iv) Collectors who meet the requirements of subsection

(b) and certify prior to the transaction the legal and licensed status of both parties;

(B) Transactions or transfers between a licensed importer, licensed manufacturer, or licensed dealer and a bona fide law enforcement agency or the agency's personnel. However, all other requirements of subsection (c) are applicable to a transaction or transfer under this subdivision (l)(1)(B); and

(C) Transactions by a gun dealer, as defined in subdivision (b)(2), making occasional sales, exchanges, or transfers of firearms that comprise all or part of the gun dealer's personal collection of firearms.



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(2) The burden of proving the legality of any transaction or transfer under this subsection (l) is upon the transferor.

SECTION 2. Tennessee Code Annotated, Section 39-17-1316, is further amended by adding the following as a new subsection:

The criminal history records check required by this section shall not apply to an occasional sale of a used or second-hand firearm by a person who is not engaged in the business of importing, manufacturing, or dealing in firearms, pursuant to 18 U.S.C. §§ 921 and 923.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____


Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 1311

House Bill No. 1230*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 5, Part 1, is amended by adding the following as a new section:

66-5-105.

(a) A deed of conveyance of real property shall be prepared by a licensed attorney, title insurance agent, or the owner of the real property.

(b) The deed shall be recorded in the county in which the property is located pursuant to § 66-24-103.

(c) This section shall not apply to:

(1) Chapter 32 of this title, relative to timeshare programs and vacation clubs;

(2) Deeds filed on behalf of a federal, state, or local government or instrumentality thereof; or

(3) Deeds filed on behalf of a state or national bank, savings bank, credit union, or federal farm credit association.

SECTION 2. Tennessee Code Annotated, Section 8-13-108(a), is amended by adding the following as a new, appropriately designated subdivision:

Verify that an affidavit on a deed of conveyance of real property was duly signed and notarized stating under oath the name and address of the preparer of the document and additionally stating the preparer is a licensed attorney, title insurance agent, or the owner of the real property being transferred.



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SECTION 3. Tennessee Code Annotated, Section 66-24-101, is amended by adding the following as a new, appropriately designated subsection:

The county register shall refuse to register any deed of conveyance of real property that is not prepared by a licensed attorney, title insurance agent, or the owner of the real property as prescribed in § 66-5-105, and so stated on the document by a sworn affidavit.

SECTION 4. This act shall take effect July 1, 2017, the public welfare requiring it, and shall apply to conveyances of real property occurring on or after that date.

Amendment No.

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 677

House Bill No. 407*

by deleting Section 1 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-5-101(f)(1), is amended by deleting the following language:

If the full amount of child support is not paid by the date when the ordered support is due, the unpaid amount is in arrears, shall become a judgment for the unpaid amounts, and shall accrue interest from the date of the arrearage at the rate of twelve percent (12%) per year. All interest that accumulates on arrearages shall be considered child support. Computation of interest shall not be the responsibility of the clerk.

and substituting instead the following:

If the full amount of child support is not paid by the date when the ordered support is due, the unpaid amount is in arrears, shall become a judgment for the unpaid amounts, and shall accrue interest from the date of the arrearage at the rate of twelve percent (12%) per year; provided, that interest shall no longer accrue on or after the effective date of this act unless the court makes a written finding that interest shall continue to accrue. In making such finding, the court shall set the rate at which interest shall accrue after consideration of any factors the court deems relevant; provided, that the interest rate shall be no more than four percent (4%) per year. All interest that accumulates on arrearages shall be considered child support. Computation of interest shall not be the responsibility of the clerk.



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Amendment No. _____

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AMEND Senate Bill No. 1302

House Bill No. 1337*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, Part 4, is amended by adding the following as a new, appropriately designated section:

(a) By January 1, 2018, the department shall develop instructional guidelines for child safety training programs for members of professions that frequently deal with children who may be at risk of abuse. Such programs shall train the professionals on the common signs of child abuse and child sexual abuse, how to identify children at risk of abuse or sexual abuse, and the reporting requirements of this part. The instructional guidelines shall be used by the department to approve continuing education programs and providers providing child safety training programs, which shall reflect the best practices for identifying and reporting child abuse and child sexual abuse as appropriate for each profession. Each licensing board listed in subsection (b) shall accept for continuing education credit required by that board any child safety training program approved by the department, upon certification of attendance by the approved provider.

(b) After July 1, 2018, the following licensing boards shall accept for continuing education credit any child safety training program approved by the department pursuant to subsection (a), upon certification of attendance by the approved provider:

- (1) Board of medical examiners, created by § 63-6-101;
- (2) Board of osteopathic examination, created by § 63-9-101;
- (3) Board of nursing, created by § 63-7-201; and
- (4) Board of social worker licensure, created by § 63-23-101.



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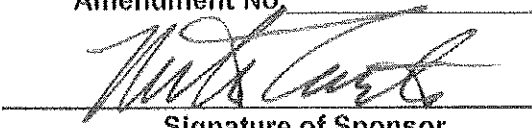


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(c) The child safety training developed pursuant to subsection (a) shall be included in the in-service training for teachers required by § 49-6-3004.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Amendment No. _____


Signature of Sponsor

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Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 371

House Bill No. 420*

by deleting subdivision (11) in 66-29-102 of Section 1 and substituting instead the following:

(11) "Insurance company" means an insurer, not-for-profit hospital and medical corporation regulated under title 56, chapter 29, health maintenance organization, fraternal benefit society, or any person or entity required to obtain a certificate of authority or similar license from the department of commerce and insurance under title 56 in order to issue or enter into contracts of insurance in this state. "Insurance company" also includes any person or entity that has regulatory approval in its state of domicile to issue or enter into contracts of insurance and that would be required to obtain a certificate of authority or similar license from the department of commerce and insurance under title 56 if it issued or entered into contracts of insurance in this state;

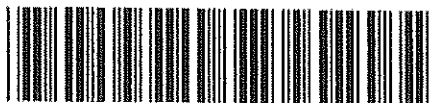
AND FURTHER AMEND by deleting subdivision (24)(B)(vi) in 66-29-102 of Section 1 and substituting instead the following:

(vi) An amount that has become due and payable by an insurance company in accordance with the terms of the applicable contract or as otherwise determined by this part;

AND FURTHER AMEND by deleting 66-29-104 of Section 1 in its entirety and substituting instead the following:

The treasurer may promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, to carry out this part.

AND FURTHER AMEND by deleting the language ", other than property specified in § 66-29-106," from subsection (b) in 66-29-105 of Section 1.



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AND FURTHER AMEND by deleting the language "and" in subdivision (b)(6) in 66-29-113 of Section 1, and by deleting the language "exists." in subdivision (b)(7) in 66-29-113 of Section 1, and by substituting instead the language:

exists; and

(8) The apparent owner has another property with the holder to which § 66-29-105(a)(5) applies, for which the name and address on file with the holder for the apparent owner is the same, and for which the apparent owner has:

(A) Communicated in writing with the holder; or

(B) Otherwise indicated an interest under this section and if the holder communicates in writing with the apparent owner with regard to the property that would otherwise be abandoned at the address to which communications regarding the other property regularly are sent.

AND FURTHER AMEND by deleting subdivision (c)(1) in 66-29-114 of Section 1 and substituting instead the following:

(1) A death master file match occurs if the criteria for a match are satisfied as provided by the Unclaimed Life Insurance Benefits Act, compiled in title 56, chapter 7, part 34;

AND FURTHER AMEND by deleting subdivision (c)(4) in Section 66-29-114 of Section 1 and substituting instead the following:

(4) In the event a death master file match occurs, the insurance company that has a potential obligation as a result of the death of the insured or annuitant shall comply with the requirements of § 56-7-3404(b) upon discovering the match.

AND FURTHER AMEND by deleting 66-29-125 in its entirety of Section 1 and substituting instead the following:

(a) For property held for the year ending December 31, 2016, the report under § 66-29-123 shall be filed before May 1, 2017. For property held for the period of January 1, 2017, through June 30, 2018, the report shall be filed November 1, 2018. Thereafter,

the report must be filed before November 1 of each year and cover the twelve (12) months preceding July 1 of that year.

(b) Before the date for filing the report under § 66-29-123, the holder of property presumed abandoned may request the treasurer to extend the time for filing. The treasurer may grant an extension for good cause. If the extension is granted, the holder may pay or make a partial payment of the amount the holder estimates ultimately will be due. The payment or partial payment terminates accrual of interest on the amount paid.

AND FURTHER AMEND by deleting subsection (a) in 66-29-142 of Section 1 and substituting instead the following:

(a) The treasurer shall sell or otherwise liquidate a security no sooner than eight (8) months, but no later than one (1) year, after receiving the security and giving the apparent owner notice under § 66-29-130(b)(1) and (2) that the treasurer holds the security.

AND FURTHER AMEND by deleting subsection (b) in 66-29-152 of Section 1 and substituting instead the following:

(b) The treasurer may waive the requirement in subsection (a) to file a claim and pay or deliver property directly to an agency, local government, public institution of higher education, or local education agency, of this state if:

(1) The entity receiving the property or payment is shown to be the same entity as the apparent owner included on a report filed under § 66-29-123; and

(2) The treasurer reasonably believes the entity is entitled to receive the property or payment.

AND FURTHER AMEND by deleting 66-29-143 of Section 1 in its entirety and substituting instead "66-29-143 [RESERVED]".

AND FURTHER AMEND by deleting subsection (a) in 66-29-154 of Section 1 and substituting instead the following:

(a) Not later than thirty (30) days after a claim is approved by the treasurer under § 66-29-153, the treasurer shall pay or deliver to the owner the property or the net

proceeds from a sale of the property, together with dividends, interest, or other increments to which the owner is entitled under § 66-29-137. On request of the owner, the treasurer may sell or liquidate a security and pay the net proceeds to the owner, regardless of whether the security has been held by the treasurer for less than eight (8) months or the treasurer has not complied with the notice requirements under § 66-29-142.

AND FURTHER AMEND by deleting the language "that the putative holder believes is illegal, unjust, incorrect, or in error, in whole or in part," in 66-29-168 of Section 1.

AND FURTHER AMEND by deleting the language "(a)(3)" in 66-29-178(a) from Section 1.

AND FURTHER AMEND by deleting the language "act" and substituting instead the language "part" wherever it may appear in 66-29-114(d), 66-29-140(a), and 66-29-184 of Section 1.

AND FURTHER AMEND by deleting Section 2 and substituting instead the following:

SECTION 2. Tennessee Code Annotated, Title 45, 48, 56, 66, and 67, and § 30-3-113(a) and (b), are amended by deleting the language "Uniform Disposition of Unclaimed Property Act" wherever it may appear and substituting instead "Uniform Unclaimed Property Act".

AND FURTHER AMEND by deleting Section 7 and substituting instead the following:

For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2017, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 316*

House Bill No. 421

by deleting all the language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-33-203, is amended by adding the following language as a new subsection (e):

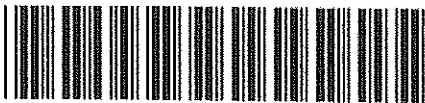
(1) After the seizure of any personal property subject to forfeiture pursuant to § 40-33-201 where the owner of the property is not present at the time of the seizure, regardless of whether an arrest has been made, the seizing officer shall, within five (5) business days of the date of seizure, mail to the owner by return receipt requested mail, at the owner's last known address as determined from public records of titles, registrations, or other recorded documents or information provided by the person in possession, a notice entitled "Notice of Forfeiture Warrant Hearing". The notice shall contain the following:

(A) The date, time, and court in which the seizing officer will be seeking a forfeiture warrant against the property pursuant to § 40-33-204;

(B) A statement that the owner is entitled to appear in court at the stated date and time to contest the issuance of a forfeiture warrant against the seized property and that this hearing shall be civil in nature pursuant to § 40-33-204(b);

(C) A statement that if the owner does not appear in court, a forfeiture warrant may be issued and the property subject to the forfeiture process set forth in title 40, chapter 33, part 2 and as stated in the Notice of Seizure; and

(D) A copy of the Notice of Seizure.



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(2) If an owner cannot be determined from public records of titles, registrations, or other recorded documents or information provided by the person in possession, the officer shall document the attempts made to determine the owner and include the documentation with any application for forfeiture warrant for the judge to review.

SECTION 2. Tennessee Code Annotated, Section 40-33-204(b), is amended by deleting the last sentence of subdivision (b)(2) and substituting instead the following:

Except as provided in subdivision (b)(4), the hearing on the application for a forfeiture warrant shall be ex parte and based upon the application, the affidavit, and any testimony as may be required in this section.

SECTION 3. Tennessee Code Annotated, Section 40-33-204(b), is further amended by redesignating the current subdivision (b)(3) as subdivision (b)(3)(A) and adding the following subdivisions:

(B) The time period for seeking an ex parte forfeiture warrant under subdivision (b)(2) shall not apply to forfeiture warrant hearings under this subdivision (b)(3).

(C) Except as provided in subdivision (b)(4), if the person in possession at the time of the seizure does not appear at the hearing and has received notice of the hearing, then the court shall review the application for a forfeiture warrant ex parte as provided in subdivision (b)(2).

SECTION 4. Tennessee Code Annotated, Section 40-33-204(b)(4), is amended by deleting the subdivision and substituting instead the following language:

(4)

(A) If the owner of the property is not present at the time of the seizure, regardless of whether an arrest is made, the officer making the seizure shall present to the court, at the date and time specified on the notice of forfeiture warrant hearing, the application for a forfeiture warrant, the affidavit in support, the notice of seizure, and the notice of forfeiture warrant hearing for both the person in possession, if no arrest was made, and the owner of the property.

(B) The time period for seeking an ex parte forfeiture warrant under subdivision (b)(2) shall not apply to forfeiture warrant hearings under this subdivision (b)(4).

(C) The owner of the property must be given reasonable notice of the forfeiture warrant hearing; however, a forfeiture warrant hearing under this subdivision (b)(4) shall be held within forty-five (45) days after the date of seizure.

(D) At the hearing on the forfeiture warrant application, the court shall:

(i) Review the application for a forfeiture warrant and the affidavit in support and take testimony from the seizing officer regarding the probable cause to issue a forfeiture warrant, including any testimony as may be required in this section;

(ii) Review any evidence presented by and take testimony from the person in possession at the time of the seizure, if present, regarding why no probable cause exists to issue a forfeiture warrant; and

(iii) Review any evidence presented by and take testimony from the owner of the property, if present, regarding why no probable cause exists to issue a forfeiture warrant.

(E) If neither the person in possession at the time of the seizure, if no arrest was made, nor the owner of the property appear at the hearing and the person in possession and the owner have received notice of the hearing, the court shall review the application for a forfeiture warrant ex parte as provided in subdivision (b)(2).

SECTION 5. Tennessee Code Annotated, Section 40-33-204(b)(5), is amended by deleting the language "the seizing officer and person in possession" and substituting instead the language "the seizing officer, owner of the property, and person in possession".

SECTION 6. Tennessee Code Annotated, Section 40-33-204, is amended by adding the following as a new subsection (j):

(1) The seizing agency shall, within five (5) business days of receipt of any forensic chemistry report regarding any alleged controlled substances or controlled substance analogues that are the basis of the seizure, send a copy of the forensic chemistry report to the applicable agency.

(2) If the forensic chemistry report shows that the alleged controlled substances that are the basis of the seizure are not controlled substances or controlled substance analogues, and those substances were the sole basis for the seizure, the applicable agency, within five (5) business days of receipt, shall submit an order dismissing the case, or the portion of the case based on the alleged controlled substances or controlled substance analogues, to the administrative law judge or the administrative head of the applicable agency.

(3) If the property is not needed for evidence in a criminal proceeding, or is not subject to other forfeiture proceedings, the seizing agency shall make the property available to the owner, as determined from public records of titles, registrations, or other recorded documents, or if the owner cannot be determined, to the person in possession of the property at the time of seizure, within five (5) business days of receipt from the applicable agency of the signed order of dismissal under subdivision (j)(2). A seizing agency that fails to make the property available as required by this subdivision (j)(3) may be considered to be acting in bad faith under § 40-33-215.

SECTION 7. Tennessee Code Annotated, Section 40-33-204, is further amended by adding the following as a new subsection (k):

(k) In any forfeiture warrant hearing, there shall be a rebuttable presumption that currency seized, for which a person has claimed ownership, is not subject to forfeiture absent evidence to the contrary. The burden to rebut the presumption is on the seizing officer.

SECTION 8. Tennessee Code Annotated, Section 40-33-213, is amended by adding the following new subsection (d):

(d) If the reviewing court reverses the final order of the applicable agency and orders the return of seized property, the court shall also order the payment of attorney's fees incurred during the administrative proceeding, in the same manner provided and subject to the limits found in § 40-33-217, and any reasonable attorney's fees incurred during the appeal.

SECTION 9. Tennessee Code Annotated, Title 40, Chapter 33, Part 2, is amended by adding the following language as a new section:

40-33-217.

(a) Upon entering an initial order which includes a return of property, in whole or in part, the administrative law judge shall also include an award of attorney's fees against the seizing agency subject to the limits in subsection (c).

(b) No award of attorney's fees against a seizing agency shall be entered when the initial order is the result of a settlement between the parties.

(c) No award of attorney's fees under this section shall exceed the lesser of the following, as may be applicable to the case:

(1) Twenty-five percent (25%) of the National Automobile Dealers Association rough trade-in value of any motor vehicle seized and returned;

(2) Twenty-five percent (25%) of the value of any currency seized and returned;

(3) Twenty-five percent (25%) of the reasonable replacement value of any miscellaneous personal property seized and returned;

(4) Three thousand dollars (\$3,000); or

(5) If multiple types of property are returned, a combination of the amounts in subdivisions (c)(1)-(3), provided that the total amount of attorney's fees awarded shall not exceed three thousand dollars (\$3,000).

(d) The award of attorney's fees shall be appealable in the same manner as an initial order under the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(e) Compensation shall not be awarded to an attorney whose fees are paid under any federally funded legal services program, or any such program funded by the state. However, compensation shall be determined and allowed in accordance with subsection (f) to an attorney employed in a privately or publicly funded nonprofit public interest law firm or corporation if neither the attorney, the law firm, nor the corporation received, or is entitled to receive, compensation for filing the claim on behalf of the claimant under any federal or state statute or rule other than this section.

(f) Notwithstanding § 4-5-325 or any other law to the contrary, this section shall be the exclusive means for seeking attorney's fees from the seizing agency for proceedings conducted under this part. This section does not prohibit a person who files an action pursuant to § 40-33-215 from seeking attorney's fees for that specific action.

(g) For the purposes of this section, "seizing agency" means the agency that issued the Notice of Seizure pursuant to § 40-33-203.

(h) Notwithstanding § 40-33-211, § 53-11-201, or any other law, funds forfeited to a seizing agency under this part may be used to pay attorney's fees ordered under this section.

SECTION 10. This act shall be known and may be cited as the "Asset Forfeiture and Disposition of Seized Property Act."

SECTION 11. This act shall take effect July 1, 2017, the public welfare requiring it.